

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

TERESA L. PENNINGTON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:10cv112
)	
MIDLAND CREDIT MANAGEMENT, INC.)	
)	
Defendants.)	

PLAINTIFF'S MOTION FOR SANCTIONS

Plaintiff, Teresa L. Pennington, pursuant to Federal Rule of Civil Procedure 37 and Local Rule 37 files her motion for sanctions against Defendant Midland Credit Management for failure to comply with the court's discovery orders and states as follows:

1. On June 11, 2010, the court heard argument regarding the Plaintiff's motion to compel. The court went through the discovery responses and clearly identified to defendant which responses were insufficient and how the responses must be supplemented no later than close of business June 16, 2010. The court had previously warned defendant of the possibility of sanctions for non compliance, and it warned the defendant again during the hearing.

2. By the close of business June 16, 2010, defendant had not complied with the court's order. Counsel for Plaintiff had waited for the responses after telephoning counsel for defendant. However, the wait was in vain as the response would not come until the following morning.

3. After reviewing the documents, counsel for Plaintiff contacted counsel for Defendant on the morning of June 18, 2010 in an effort to meet and confer over the

continuing deficiencies, net worth information that had not been produced, and the improper use of Rule 33(d) in responses to interrogatories. Counsel for Defendant indicated it would supplement some of the responses by close of business on Monday June 21, 2010 and would not supplement other items.

4. As of the time of filing this motion, no supplementation has been received.

5. For the reasons stated in the memorandum in support of this motion that more fully describes the deficiencies in the responses, Plaintiff requests that the court sanction defendant for its behavior. Plaintiff incorporates his memorandum in support hereto.

CERTIFICATION

I, A. Hugo Blankingship, III certify that I contacted counsel for the Defendant John Lynch via the telephone on June 18, 2010 in an effort to narrow these issues. I had follow-up conversations with counsel for the Defendant regarding the failure to comply with the court's order. Nothing further could be achieved by discussing the matter with opposing counsel. Plaintiff believes that it has complied with requirements of both Local Civil Rule 7(E), 37(E), and paragraph ten of the court's scheduling order.

WHEREFORE Plaintiff requests that the court enter an order that sanctions the Defendant granting the Plaintiff the relief requested in the memorandum in support and all such further relief that the court deems just and proper.

Respectfully Submitted,
TERESA L. PENNINGTON

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of June, 2010, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) to the following:

Counsel for Defendants

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